IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND THREE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19551 of 2003

Between:

1. M/s J.M.J. Industries, Plot No. 270 Panchasheela Colony, IDA, Kukatpally, Rangareddy District rep. by its Proprietor, A. Ravinder, S/o Seshagiri Rao, aged 40 yrs, R/o H.No. 59 LIGH, BK Guda, Hyderabad

2. Smt. A. Radha Bai w/o Seshagiri Rao
r/o H.No. 59 LIGH, BK Guda, Hyderabad

..... PETITIONERS

AND

1. Government of India, rep. by its Secretary, Ministry of Finance, New Delhi.

2. State Bank of Hyderabad, IDPL Colony Branch, IDPL, Kukatpally, Hyderabad, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring notice issued by 2nd Respondent No.F/JMJ/831, dt. 26-7-2003 u/s 13(2) of the Securitisation and Reconstruction of Financial assets and Enforcement of Security Interest Act, 2002 seeking to sell the house property bearing No. 59 LIGH, BK Guda, Hyderabad belong to the 2nd petitioner as illegal, arbitrary etc,. if necessary by declaring Sec. 13 of the said Act as illegal, abitrary, unconstitutional etc., and grant such other just and consequential relief or reliefs

Counsel for the Petitioner:MS.VORUGANTI BHARATHI

Counel for the Respondent No 1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent No.2: MR.K.V.SIMHADRI, Advocate

The Court made the following:

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

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28th June, 200004 G.ROHINI, J.

Tvr/Jsu

To

1. The Secretary, Ministry of Law, Government of India, New Delhi.
2. The Manager, State Bank of Hyderabad, IDPL Colony Branch, IDPL, Kukatpally, Hyderabd.
3. 2 CCs to the Senior Central Government Standing Counsel, High Court Buildings, Hyderabad.
4. 2 CD copies.